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ROMNEY UNVEILS HOUSING TASK FORCE RECOMMENDATIONS
Proposed changes to Chapter 40B will make law “a tool rather than a club”

SOUTH BOSTON – In an effort to spur housing creation across the Commonwealth, Governor Mitt Romney today unveiled a package of comprehensive reforms to the state’s affordable housing law, known as Chapter 40B. Romney said the changes will make the law “a tool rather than a club” and give cities and towns more control over the planning and development process in their communities.

Romney said the proposed changes to Chapter 40B are part of a multi-pronged approach to increasing the supply of housing for the families of Massachusetts.

“The task force represented many different points of view and the consensus report accomplished something that many people thought could not be done,” said Romney. “They recommended important changes that will help our cities and towns to use this law properly as a housing development tool while promoting smart growth and sustainable development. I am grateful for their work.”

Last February, Romney established the Chapter 40B Task Force, comprised of members of the Legislature, state housing officials, municipal and regional officials and stakeholders representing development and environmental interests. He charged them with evaluating the statute and its impact to ensure that the need to create affordable housing is balanced appropriately with other municipal concerns.

Chapter 40B was enacted in 1969 to encourage cities and towns to build more affordable homes in Massachusetts. Under the law, if a community has less than 10 percent of its permanent housing stock affordable to low- and moderate-income families, certain zoning regulations can be overridden provided that 25 percent of a proposed development includes affordable units. In spite of 15 regulatory changes made to improve the law over the last two years, only 31 of the Commonwealth’s 351 cities and towns currently comply with the 10 percent threshold.

The task force recommendations respond to legitimate concerns raised by communities and address issues pertaining to:

- Promoting equity by changing the way homeownership units are counted;
- Guiding how and where homes are developed by introducing smart growth principles into 40B and density guidelines for homeownership developments, and empowering site approval authorities to reject developments that are inappropriate;
- Addressing local capacity by limiting the number of units a community has to review at one time and permanently fund consultants to work with municipalities;
- Planning and reasonable growth by establishing planned production goals that reward communities with time-off;
- Improving the 40B process by inserting more information, expertise and communication at the beginning of the process to dispel misinformation and promote cooperation; and
- Reforming the Housing Appeals Committee (HAC) by recommending that it undergo procedural reform. This change will expedite the permitting and building of a significant number of housing units while dismissing projects, which are not consistent with local needs.

The Task Force's recommendations strengthen Chapter 40B by enhancing communication and information sharing among parties central to housing production, providing increased technical assistance to communities and providing an all-inclusive source of information for communities and developers. They also expedite housing production by creating incentives for communities to plan and permit housing and aim to improve the appeals process.

"This group of recommendations will help alleviate the state's housing crisis while addressing valid municipal objectives and concerns and will ultimately help to ensure the Commonwealth's future economic viability and vitality," said Jane Wallis Gumble, Department of Housing and Community Development Director and Task Force Chair.

Romney said that improving Chapter 40B is just one in a series of steps necessary to address the state's housing needs. He said laws governing local land use regulation in the Commonwealth are also in need of reform and plans to review the Massachusetts Zoning Act, widely known as Chapter 40A, to close outdated loopholes in the zoning law. He also has proposed using local aid incentives to generate more housing.

"The state's current zoning laws confine local planning, promote excessive land consumption and interfere with traditional development," said Romney. "These antiquated statutes are in need of an overhaul to make housing production and 'smart

growth' development in Massachusetts less difficult, less time-consuming and less costly."

The changes to 40B supplement the regulatory changes made over the past two years, including:

- Limiting project size;
- Enhancing project notification for cities and towns;
- Allowing for a cooling off period to eliminate using 40B as a threat ;
- Including accessory apartments and DMR/DMH units to count on the subsidized housing inventory; and
- Placing reasonable controls on projects funded through non-governmental agencies (including the Federal Home Loan Bank's New England Fund)

A full copy of the report is available online at www.mass.gov/dhcd.

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